



State Senator Sheila Harsdorf

Date: October 31, 2011

To: Senate Committee on Transportation and Elections

Fr: Senator Sheila Harsdorf

Re: Senate Bill 265 – Local airports and authority to enact aerial approach ordinances

Chair Lazich and Committee Members,

Thank you for holding a hearing on Senate Bill 265, which seeks to limit the ability of out-of-state municipalities to enact aerial approach ordinances that impact property in Wisconsin. While I am unable to attend the public hearing to personally testify, I would like to share written testimony to highlight the importance of enacting this change.

This legislation seeks to address a unique situation in my district where an airport located in Wisconsin is owned and operated by a municipality in another state. As background, the City of Red Wing, Minnesota owns and operates an airport in the Town of Trenton in Pierce County. According to the Department of Transportation, the Red Wing Regional Airport is the only public-use airport physically located in Wisconsin that is owned or operated by a municipality located outside of Wisconsin.

Wisconsin state statutes include language allowing for reciprocity for entities in other states that operate airports in our state. Using an interpretation of this reciprocity statute, the City of Red Wing asserts that it has the same authority as Wisconsin municipalities to enforce land use regulations in the areas surrounding a municipally-owned airport.

Citizens and local elected officials in the Town of Trenton and other neighboring municipalities have raised concerns with the ability of officials from another state to regulate land use in Wisconsin. Senate Bill 265 seeks to clarify that municipalities located outside of Wisconsin do not have the authority to enact ordinances regulating land use within Wisconsin. This change would require out-of-state municipalities to work with local zoning authorities to put in place any needed land use restrictions.

I urge committee members to support this legislation and move it forward as a means to address the concerns of property owners and local elected officials. Thank you for your consideration. If you have questions or concerns, I would welcome hearing from you.

Please accept the following testimony in support of Senator Harsdorf's proposed legislation (Senate Bill 265) relating to the ability of municipalities in adjoining States to impose airport zoning:

The Red Wing Regional Airport is located in Pierce County, Wisconsin. The City of Red Wing, a Minnesota municipality, has owned and operated the Airport dating back to the 1950's. The City has been issued several Conditional Use Permits by Pierce County's Land Management Committee in the last several decades to authorize a variety of expansions.

According to Wisconsin Statutes, a municipality located in an adjoining State is authorized to own and control an airport in this State subject to all laws rules and regulations of this State applicable to its municipalities, but subject to the laws of its own State in all matters relating to financing. Statutes further state that such municipality shall have all privileges, rights and duties of like municipalities in this State.

One of the rights that a Wisconsin Municipality has is the ability to adopt a zoning ordinance to protect the aerial approach of an airport. Statutes state that the right to adopt and administer such an ordinance shall be effective whether the site and lands affected by the ordinance are located within or without the limits of that county, city, village, or town. The City of Red Wing contends that this section authorizes them to adopt and administer a zoning ordinance that will severely limit uses and densities for up to 3 miles from the airport property, despite the fact that they are located in a different State. It should be noted that Pierce County already regulates the height of structures in the area around the Airport, which is consistent with State of Wisconsin minimum standards.

The City intends to develop a zoning ordinance based on a runway length 2000 feet longer than the existing runway. The City acknowledges that it may be unable to secure a Conditional Use Permit to authorize an expansion to that length, but has indicated that it still intends to institute land use restrictions based on that desired future length. The City intends to adopt, at a minimum, the provisions of a Model Airport Zoning Ordinance developed by the State of Minnesota.

The Minnesota Model Ordinance, if adopted and implemented, would restrict the ability of numerous existing businesses to expand and, in the case of at least one large employer, the ability to actually continue to conduct business at their current location. Proposed limits on residential density would limit the ability of area property owners to subdivide, or even build on existing vacant residential lots. Many of the structures in the Village of Bay City (among others) would become nonconforming, raising a concern that if the Village's water tower were damaged, it could not be replaced. The County's ability to attract new businesses to existing commercial

and industrial districts located in the vicinity of the Airport would also be severely hindered.

Each of the affected municipalities, which include the Towns of Trenton, Isabelle, Hartland, and the Village of Bay City, have adopted comprehensive plans that are intended to guide future land use decisions, as required by law. The adoption and implementation of Airport Zoning by the City of Red Wing would essentially have the effect of nullifying major portions of each municipality's comprehensive plan. As you are aware, each municipality's land use decisions are required to be, effective January 1, 2010, consistent with an adopted comprehensive plan. The proposed Airport Zoning Ordinance is not consistent with any Wisconsin municipality's comprehensive plan.

The City of Red Wing, with its airport located in an adjacent State, is in an enviable position. It has one of the most intensive land uses allowable located in an area where none of those negatively impacted by its operations are tax payers or residents of the City of Red Wing, or even residents of the same State. It is hard to imagine that the lawmakers who authorized the legislation creating Interstate Reciprocity intended for a municipality in an adjacent State to have the ability to unilaterally impose severe land use restrictions in this State, especially when those restrictions would be seriously detrimental not only to the residents of the area, but also to the County's existing employers and future tax base.

Thank you for your time and your consideration of this important legislation.

Sincerely,

Andy Pichotta, Land Management Director, Pierce County, Wisconsin.

First off let me say thank you to all who recognize that this possible expansion has disrupted the lives of many of the local residents. We at the town of Trenton are not against growth in the local area, as long as it benefits the majority of the residents of Pierce County or the Town of Trenton. However this projected expansion is not due to the growth of the business community or the need for another purpose not yet known to us. This seems to be for the purpose of expanded funds, that are available from the FAA, Wisconsin, or some other source. The City of Red Wing, MN. has had meetings with the Pierce County Board, and I have been present when they have told us that when the expansion happens that twenty two houses as well as four business concern may have to go. That leaves everyone concerned with the question, who will benefit either now, or in the future from this action. We are in close proximity to the Rochester MN. Airport, and also the Twin City Airport, and there seems to be no great need for an expanded runway. I have talked to many of the pilots that use the facility as well as some of the business people and they to are at a loss to show need. Jobs being so important especially in these trying times, and money is of short supply on projects that we can do without, maybe someone should take a long look and see if this has a benefit to the area. In closing I would like to say that the City of Red Wing is not our enemy and we have no purpose other than the protection of our residents, and the jobs that would be so hard to replace.

Thank you!

Richard Bunce
Chairman Town of Trenton

